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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
TODD, GREGORY G

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/538,611	GUPTA ET AL.
	Examiner	Art Unit
	Gregory G Todd	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2000* .

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2,3,4,5* .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

This is a first office action in response to application filed, with the above serial number, on 29 March 2000 in which claims 1-42 are presented for examination. Claims 1-42 are therefore pending in the application.

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the compressing a presentation timeline; omitting selected frames; altering each media stream of the plurality; & out of synchronization message must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2.   Figures 1 & 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 10-11, 25-26 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. It is unclear as to why when the stream has

been resynchronized it is then altered to become re-unsynchronized, which when

detected to be unsynchronized would then be resynchronized in an infinite loop.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

6.   Claims 1, 2, 7-13, 17-20, and 25-42 are rejected under 35 U.S.C. 102(e) as being

anticipated by Ogden et al (hereinafter "Ogden", 6,161,137).

7.   As per Claim 1 and 12, Ogden discloses a method and computer-readable

memory for use in a client computer, wherein Ogden discloses:

       detecting when a media stream received from a server computer in the network

system has become globally unsynchronized with a corresponding media, stream being

streamed to another client computer (dynamically and adaptively transmitting for

synchronous, real-time presentation stream between clients) (at least col. 3, lines 30-

63); and

altering a presentation of the media stream in order to resynchronize the media

stream (dynamically and adaptively transmitting for synchronous, real-time presentation

stream between clients) (at least col. 3, lines 30-63).

8.   As per Claim 2.

wherein the altering includes altering the media stream (at least col. 3, lines 30-

63).

9.   As per Claim 7 and 41.

jumping ahead to a later presentation time (skip portion of presentation) (at least

col. 25, lines 63-14).

10.   As per Claim 8 and 42.

pausing the presentation of the media stream (at least col. 13, lines 2-19; col. 25,

lines 5-13).

11.   As per Claim 9.

storing at least a portion of the media stream in a data buffer (at least col. 27,

lines 17-19; col. 6, lines 9-26); and

wherein the detecting comprises comparing the amount of data stored in the data

buffer with a threshold (segment amount being timely cached) (at least col. 6, lines 9-

26).

12.   As per Claim 10 and 25.

detecting when the media stream has been globally resynchronized (dynamically and adaptively transmitting for real-time presentation stream between clients) (at least col. 3, lines 30-63); and

altering the presentation of the media stream when the media stream has been globally resynchronized (adaptively transmitting for simultaneous presentation stream) (at least col. 3, lines 30-63).

13.   As per Claim 11 and 26.

wherein the altering of the presentation timeline of the media stream when the media stream has been globally resynchronized comprises altering the presentation timeline to be the same as it was when the media stream was globally unsynchronized (control signals to sync for simultaneous presentation) (at least col. 3, lines 30-63; col. 6, lines 9-26; col. 4, lines 24-40).

14.   As per Claim 13, Ogden discloses an apparatus for use in a network system, wherein Ogden discloses:

a receiving component to receive a plurality of media streams from a server computer in the network system (dynamically and adaptively transmitting for synchronous, real-time presentation stream between clients) (at least col. 3, lines 30-63; col. 2, lines 49-66);

a synchronizing component, coupled to the receiving component, to determine if the plurality of media streams have become globally unsynchronized (dynamically and adaptively transmitting for synchronous, real-time presentation stream between clients) (at least col. 3, lines 30-63); and

a timeline modification component, coupled to the synchronizing component, to

alter the presentation timeline of at least one of the media streams if the plurality of

media streams become globally unsynchronized (audio / video segments sync for

dynamically and adaptively transmitting for synchronous, real-time presentation stream

between clients) (at least col. 4, lines 24-40; col. 6, lines 9-26; col. 3, lines 30-63).

15.   As per Claim 17, Ogden discloses a computer-readable storage medium

containing a program for resynchronizing a media stream, wherein Ogden discloses:

receiving, from a server computer in the network, a composite media stream

including a plurality of media streams (presentation consisting of one or more

segments) (at least col. 2, lines 36-42);

detecting when the plurality of media streams have become globally

unsynchronized (dynamically and adaptively transmitting for synchronous, real-time

presentation stream between clients) (at least col. 3, lines 30-63); and

altering a timeline of at least one of the media streams in order to resynchronize

the media streams (audio / video segments sync for dynamically and adaptively

transmitting for synchronous, real-time presentation stream between clients) (at least

col. 4, lines 24-40; col. 6, lines 9-26; col. 3, lines 30-63).

16.   As per Claim 18.

wherein the detecting comprises comparing current presentation times of the

plurality of media streams to one another, and wherein the altering comprises altering

the media stream of the plurality of media streams having a presentation is time that is

lagging behind the presentation times of one or more of the other media streams

(halting / skipping portion of presentation running behind) (at least col. 25, lines 5-13,

63-14).

17.   As per Claim 19.

wherein the detecting comprises comparing current presentation times of the

plurality of media streams to one another, and wherein the altering comprises altering

the media stream of the plurality of media streams having a presentation time that is

ahead of the presentation times of one or more of the other media streams (halting /

skipping portion of presentation running behind) (at least col. 25, lines 5-13, 63-14).

18.   As per Claim 20.

wherein the altering comprises altering each media stream of the plurality of

media streams (first and second segments being synchronized) (at least col. 3, lines 30-

63).

19.   As per Claim 27 and 31, Ogden discloses a method and computer-readable

medium for use in a server computer of a network, wherein Ogden discloses:

identifying when a media stream corresponding to media content being provided

to a client computer has become globally unsynchronized (dynamically and adaptively

transmitting for synchronous, real-time presentation stream between clients) (at least

col. 3, lines 30-63); and

selecting, in response to identifying the media stream is globally unsynchronized,

a different media stream corresponding to the media content to provide to the client

computer (not timely cached... alternate segment is requested) (at least col. 3, lines 30-

63; col. 2, lines 36-66; col. 6, lines 9-26).

20.   As per Claim 28, 33, and 35.

receiving an out of synchronization message from the client computer (alternate

segment data request) (at least col. 6, lines 9-26).

21.   As per Claim 29 and 36.

selecting a media stream having a faster rendering speed than the globally

unsynchronized stream (variation of presentation based on bandwidth / speed) (at least

col. 5, lines 32-39; col. 6, lines 9-26).

22.   As per Claim 30 and 37.

identifying when the media stream has been resynchronized (real time version

detection) (at least col. 3, lines 24-63); and

selecting another media stream corresponding to the media content to provide to

the client computer (third content webserver segments) (at least col. 3, lines 30-63).

23.   As per Claim 32, Ogden discloses an apparatus for use in a network, wherein

Ogden discloses:

a plurality of media streams available for provision to a client computer, each

corresponding to different presentation timelines of media content (at least col. 2, lines

49-66; col. 4, lines 24-40); and

a selector coupled to select one of the plurality of media streams to provide to the

client computer to resynchronize the media content in response to a media stream

being received by the client computer becoming globally unsynchronized (not timely

cached... alternate segment is requested) (at least col. 3, lines 30-63; col. 2, lines 36-66;

col. 6, lines 9-26).

24.   As per Claim 34, Ogden discloses a computer-readable storage medium

containing a program for resynchronizing a media stream, wherein Ogden discloses:

providing, to a client computer, a composite media stream corresponding to

media content, the composite media stream including a plurality of media streams (at

least col. 2, lines 36-66);

identifying when a media stream of the plurality of media streams has become

globally unsynchronized (dynamically and adaptively transmitting for synchronous, real-

time presentation stream between clients) (at least col. 3, lines 30-63; col. 2, lines 49-

66); and

selecting, when the media stream becomes globally unsynchronized, a different

media stream corresponding to the media content to provide to the client computer

(dynamically and adaptively transmitting for synchronous, real-time presentation stream

between clients) (at least col. 3, lines 30-63).

25.   As per Claim 38, Ogden discloses a networked client/server system, wherein

Ogden discloses:

a network server (at least col. 3, lines 38-44);

a plurality of network clients that communicate with the network server over a

data communications network (at least col. 3, lines 38-44);

a plurality of composite media streams available from the network server, each

composite media stream comprising a plurality of individual media streams that can be

rendered by the network clients to produce different types of user perceivable media (at

least col. 2, lines 25-35); and

the network clients each including a synchronizing component to determine if one

of the individual media streams is out of synchronization with a corresponding media

stream at another of the plurality of network clients, and a timeline modification

component to alter the timeline of an individual media stream when it is out of

synchronization (dynamically and adaptively transmitting for synchronous, real-time

presentation stream between clients) (at least col. 3, lines 30-63).

26.   As per Claim 39, Ogden discloses a method for use in a server computer of a

network, wherein Ogden discloses:

identifying when a media stream corresponding to media content being streamed

to a client computer has become globally unsynchronized (dynamically and adaptively

transmitting for synchronous, real-time presentation stream between clients) (at least

col. 3, lines 30-63); and

altering, in response to identifying the media stream is globally unsynchronized,

the streaming of data to the client computer in order to globally resynchronize the media

stream (dynamically and adaptively transmitting for synchronous, real-time presentation

stream between clients) (at least col. 3, lines 30-63).

As per Claim 40.   '

selecting a different media stream corresponding to the media content to stream

to the client computer (at least col. 6, lines 8-26; col. 2, lines 49-66).

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

28.   Claims 3-6, 14-16, and 21-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ogdon in view of Carmel et al (hereinafter "Carmel", 6,397,230).

29.   As per Claim 3, 14, and 21.

Ogdon fails to explicitly disclose compressing a presentation timeline of the

media stream. However, the use and advantages for using such a synchronous

communication is well known to one skilled in the art at the time the invention was made

as evidenced by the teachings of Carmel (at least col. 13, lines 25-62). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate and implement the use of presentation compression of a portion of

a composite stream as this is a very well know method to synchronize an

unsynchronized stream or presentation.

30.   As per Claim 4 and 22.

Ogdon fails to explicitly disclose increasing the speed at which the media stream

is rendered. However, the use and advantages for using such a synchronous

communication is well known to one skilled in the art at the time the invention was made

as evidenced by the teachings of Carmel (at least col. 13, lines 4-45). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate and implement the use of compensating for a delay by increasing

speed of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

31.   As per Claim 5, 15, and 23.

Ogdon fails to explicitly disclose omitting selected frames from the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of removing frames of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

32.   As per Claim 6, 16, and 24.

Ogdon fails to explicitly disclose using time-scale-modification to remove data from or add data to the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of removing data frames of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

34.   Covell et al, Goldhor et al, Kinney et al, Teng et al, Bhola et al, Gupta et al '326, Moller, Hejna '688, Hejna '949, Craig, Yuang et al, Gupta et al '171, Hackeny et al, Guo et al, and Roberts et al are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

35.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Gregory Todd
Patent Examiner

Technology Center 2100

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100